



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

May 2, 2024

BY ECF

Honorable Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *MAZON: A Jewish Response to Hunger, et al., v. U.S. Dep't of Health and Human Services, et al.*, 21 Civ. 475 (LAK)

Dear Judge Kaplan:

This Office represents the defendant federal agencies and government officials sued in their official capacities (together, the “government”) in this action. I write to provide what we expect to be our final status update.

All of the plaintiffs except for one—the Ark of Freedom Alliance (“AFA”)—have decided to voluntarily dismiss this action, as reflected in their Rule 41 notice of voluntary dismissal, ECF Nos. 92, 93.

We understand that AFA dissolved during the pendency of the case without notifying plaintiffs’ counsel. We further understand that, despite undertaking significant efforts, plaintiffs’ counsel has been unable to locate an appropriate former AFA officer or representative to agree on AFA’s behalf to dismiss this action. Additional factual background is contained in an application to withdraw from representing AFA filed by plaintiffs’ counsel, ECF No. 91.

In light of the dissolution of plaintiff AFA, the government believes the rest of this case is moot and should be dismissed. *See* 13C Charles Alan Wright, Arthur R. Miller & Edward H. Cooper § 3533.3.1 (“Dissolution of a corporation or other organization . . . moots injunctive relief . . .”); *Miccosukee Tribe of Indians of Fla. v. S. Everglades Restoration All.*, 304 F.3d 1076, 1081 (11th Cir. 2002), *cited in id.* Alternatively, the government suggests that the Court enter notice on the docket that, unless AFA takes action within 30 days to prosecute this action, the action will be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure. *See Cent. Harlem Cmty. (Dist. 10) v. City of New York*, No. 24 Civ. 1606 (JGLC), 2024 WL 1603463, at *1 (S.D.N.Y. Mar. 8, 2024) (ordering that artificial entities must obtain counsel by a date certain or the action would be dismissed).

The government therefore respectfully requests that this action be dismissed as moot; or, alternatively, that unless AFA takes some further action within 30 days to proceed with this

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matter, it be dismissed for failure to retain counsel and failure to prosecute; and in either event, that the action should then be closed. However, the government is also prepared to provide more information, make a formal motion, or otherwise proceed as Court determines appropriate.

We thank the Court for its attention to this matter.¹

Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

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Counsel for the government

¹ With consent of AFA's current counsel, we are also mailing a copy of this filing to the last known address for AFA:

5201 NW 33rd Avenue
Ford Lauderdale, FL 33309